

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOHN WILLIAM MCCLUSKEY,

Plaintiff,

ORDER

-against-

CV 12-2394 (SJF)(ETB)

TOWN OF SOUTHAMPTON, et al.,

Defendants.  
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By agreement among the parties, all discovery is stayed pending the outcome of the defendants' motion to dismiss.

In the event that discovery goes forward, the plaintiff's application to conduct audio and telephonic depositions is granted, provided that (1) the plaintiff complies with Federal Rule of Civil Procedure 30(b)(5) with respect to the administration of the oath to the person being deposed and (2) in the event that the plaintiff intends to use any part of an audio deposition at trial, a written transcript shall be provided to all parties. See Fed. R. Civ. P. 32(c).

The parties shall comply with the rulings on the record with respect to any deposition of the two traffic agents involved in this action. The home addresses and telephone numbers shall be provided to the pro se plaintiff only in the event that defendants' counsel is unwilling to accept service and assist in the scheduling and production of said non-party witnesses for depositions.

A status conference will be held on August 14, 2013 at 11:00 a.m. in Courtroom 830, Alfonse M. D'Amato U.S. Courthouse, Central Islip, New York. All counsel and the pro se plaintiff are directed to appear.

**SO ORDERED:**

Dated: Central Islip, New York  
April 24, 2013

/s/ E. Thomas Boyle  
E. THOMAS BOYLE  
United States Magistrate Judge